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# **Military & Local Affairs Policy Committee**

**Wednesday, February 3, 2010**

**8:30 AM**

**212 (Knott Bldg) Webster Hall**

# **MEETING PACKET**

**Larry Cretul  
Speaker**

**Dorothy Hukill  
Chair**



# The Florida House of Representatives

## Military & Local Affairs Policy Committee

Larry Cretul  
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Chair

### **AGENDA**

February 3, 2010  
212 Knott Building (Webster Hall)  
8:30 AM – 9:30 AM

- I. Opening Comments by the Chair
- II. HB 423 – Seminole County Port Authority by Representative Dorworth
- III. HB 431 – Peace Creek Drainage District by Representative Wood
- IV. Century Commission Fourth Annual Report on a Sustainable Florida
- V. Adjourn




**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 423  
**SPONSOR(S):** Dorworth  
**TIED BILLS:**

Seminole County Port Authority, Seminole County

**IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Local Affairs Policy Committee		Noriega TN	Hoagland 
2) Finance & Tax Council			
3) Economic Development & Community Affairs Policy Council			
4)			
5)			

**SUMMARY ANALYSIS**

The Seminole County Port Authority (Authority) is a dependent special district of Seminole County created in 1965 by chapter 65-2270, Laws of Florida, to establish, construct, and manage the Port of Sanford. The Port of Sanford is comprised of approximately 120 acres located on the St. Johns River in Seminole County.

This bill repeals chs. 65-2270, 67-2073, 67-2074, 67-2078, 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, L.O.F., and constitutes the codification of all special acts relating to the Authority's charter into a single, logically organized act, as required by section 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

The bill deletes outdated language and organizes previously authorized powers of the Authority, and makes minor, stylistic changes to some of the language of the charter.

In addition to codifying existing law, this bill also amends the Authority's charter in the following ways:

- authorizes the Board of Directors to designate authority to sign checks;
- eliminates outdated language pertaining to the provision of immediate funds; and
- eliminates the existing procurement methods for construction and supplies and directs the Board of Directors to establish a purchasing policy to address these procurement methods in accordance with Florida Statutes.

The attached Economic Impact Statement indicates that there is no economic impact as a result of this bill.

This bill provides an effective date of upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Background

The Seminole County Port Authority (Authority) is a dependent special district<sup>1</sup> of Seminole County created in 1965 by ch. 65-2270, Laws of Florida, to establish, construct, and manage the Port of Sanford, a barge port and industrial complex on the St. John's River. The Port of Sanford is comprised of approximately 120 acres of land and associated infrastructure (roads, signs, utilities, etc.), a 250 slip full-service marina, nearly 500,000 square feet of industrial and manufacturing space, a small business incubator, and other revenue-generating facilities.

According to Mr. Andrew Van Gaale, Administrator for the Authority, "the Port of Sanford was initially created to handle barge traffic via the 'Cross Florida Barge Canal,' which was planned to link the Port of Sanford with other ports throughout Florida. However, in 1970 the project was halted by Presidential decree and was never completed. Since then, the Port of Sanford has become a very successful public enterprise."

The Authority is governed by a nine-member Board of Directors appointed by the Seminole County Commission. The charter also directs certain operational duties such as membership, public meetings, and agency jurisdiction.

The Authority's goals and objectives are determined by the Board of Directors, and day-to-day activities are managed by an Administrator. Board of Directors' meetings are held monthly and are subject to Florida's Government-in-the-Sunshine Law. The Board of Directors submits the budget to the Seminole County Board of County Commissioners for approval.

The Board of County Commissioners may levy an annual tax on all taxable real and personal property, up to one-half mill, to enable the Authority to carry out its functions under the charter. Currently, no taxes are levied for these purposes.

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<sup>1</sup> A dependent special district has at least one of the following characteristics: "(a) the membership of its governing body is identical to that of the governing body of a single county or a single municipality; (b) all members of its governing body are appointed by the governing body of a single county or a single municipality; (c) during their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality; (d) the district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality." § 189.403(2), F.S.

Also, according to Mr. Van Gaale, "public meetings are advertised and held monthly where all Port of Sanford business is handled. The Authority's 2009-2010 total budget is \$2,754,644. Revenue is primarily generated from building and land leases. The Port is completely debt free and operates as an enterprise fund. Surplus funds from the operation are transferred to the Seminole County Board of County Commissioners for use in their General Fund. To date, the Authority has transferred approximately \$4,440,000 in surplus funds to Seminole County."

#### Codification of Special District Charters

Codification is the process of compiling, updating and systematically arranging the special acts that comprise a special district's charter. Original provisions may be amended by subsequent special acts after these charters are created by the Legislature. Because special act amendments are not automatically incorporated into one special act, it is necessary to locate all special acts amending an original charter in order to determine the current status of a special district's charter. This can be a difficult and time-consuming process for persons interested in ascertaining the law governing a district. Codification of special district charters is important because it allows readers to refer to one special act to identify the charter of a district.

Codification of special district charters initially was authorized by the 1997 Legislature in ss. 189.429<sup>2</sup> and 191.015,<sup>3</sup> F.S., both of which were amended in 1998. The laws currently provide for each district that has more than one special act to submit a draft codified charter, at its own expense, to the Legislature by December 1, 2004. Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district, and be filed with the Department of Community Affairs within 30 days after adoption pursuant to s. 189.418(2), F.S. The 2001 Legislature amended s. 189.429, F.S., to provide that reenactment of existing law: (1) shall not be construed to grant additional authority nor supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend or alter any covenants, contracts or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Although the deadline for submission of codified special district charters was prior to the 2005 legislative session, all special districts have not complied with this requirement, and proposed codification bills for other special districts have not been enacted by the Legislature or have been vetoed by the Governor. As a result, it is anticipated that proposed codification bills will continue to be filed.

#### Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district must contain and, as practical, must be amended to contain a reference to the status of the special district as dependent or independent. When necessary, the status statement must be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district. The Authority's charter does not indicate that it is a dependent district.

#### Authority to Sign Checks

The Authority's charter provides that all warrants drawn for the disbursement of funds must be signed by the chairman and the treasurer.

#### Provision of Immediate Funds

Chapter 65-2270, L.O.F., authorized the Authority to borrow immediate funds for its administration and operations until the initial tax levy provided for is available. The total borrowed amount may not exceed \$60,000 for a period(s) of up to one year. Also, the Authority can issue its promissory notes, upon such terms, and at a rate of interest not exceeding 6 percent per year.

<sup>2</sup> Chapter 189, F.S., is known as the "Uniform Special District Accountability Act."

<sup>3</sup> Chapter 191, F.S., is known as the "Independent Special Fire Control District Act."

### Procurement Methods

Under its charter, the Authority is currently required to submit a Request For Proposals (RFP) for all construction, reconstruction, repairs, or work of any nature in excess of \$2,000, except for construction, reconstruction, repairs or work done by employees of the authority, or by labor supplied under agreement with federal or state governments. Also, the Authority is currently required to submit an RFP for all supplies, equipment, machinery, and materials in excess of \$1,000.

Florida Statutes contain several provisions regarding procurement, including provisions in chs. 255 and 287, F.S.

Section 255.20, F.S.,<sup>4</sup> provides that "a county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000."

Chapter 287, F.S., provides guidelines for the procurement of personal property and services at the state level. In particular, the Consultants' Competitive Negotiation Act" (s. 287.055, F.S.), provides guidelines for competitive selection and negotiation based on five purchasing categories with specific threshold amounts as defined by s. 287.017, F.S.<sup>5</sup>

### Effect of the Proposed Changes

This bill brings the Authority into compliance with the requirements of s. 189.429, F.S. In doing so, this bill repeals chs. 65-2270, 67-2073, 67-2074, 67-2078, 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, L.O.F., and constitutes the codification of all special acts relating to the Authority's charter into a single, logically organized act. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority. The statutory deadline for compliance with s. 189.429, F.S., was December 1, 2004.

The bill deletes outdated language and organizes previously authorized powers of the Authority, and makes minor, stylistic changes to some of the language of the charter.

In addition to codifying existing law, this bill also amends the Authority's charter in the following ways:

- authorizes the Board of Directors to designate authority to sign checks;
- eliminates outdated language pertaining to the provision of immediate funds; and
- eliminates the existing procurement methods for construction and supplies and directs the Board of Directors to establish a purchasing policy to address these procurement methods in accordance with Florida Statutes.

### Authority to Sign Checks

The bill adds language to provide that all warrants drawn for the disbursement of funds can also be signed by "such persons as set forth in the purchasing policy adopted by the authority in accordance with general law."

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<sup>4</sup> Section 255.20, F.S., is titled "local bids and contracts for public construction works; specification of state-produced lumber."

<sup>5</sup> Section 287.017, F.S., provides for the following purchasing categories: Category One (\$15,000), Category Two (\$25,000), Category Three (\$50,000), Category Four (\$150,000), and Category Five (\$250,000).

### Provision of Immediate Funds

This bill removes the language related to the provision of immediate funds. This language was necessary at the time of inception in 1965, but is now obsolete.

### Procurement Methods/Purchasing Policy

This bill eliminates the current cap of \$2,000 that would require an RFP for all construction, reconstruction, repairs, or work of any nature. The bill also eliminates the current cap of \$1,000 that would require an RFP for all supplies, equipment, machinery, and materials. In addition, the bill directs the Board of Directors to establish a purchasing policy to address procurement methods for construction and supplies in accordance with Florida Statutes.

According to Mr. Van Gaale, "the Port operation requires various services and goods from electricians, plumbers, landscapers, heavy equipment operators, and excavation needs on any given day. These goods and services frequently exceed the Authority's \$2,000 limit, thus hindering the efficient operation of the Port by having to prepare an RFP package, advertise for two weeks, hold a bid opening, and award a contract that has to be approved by the Board of Directors during one of their monthly meetings. For example, if an air conditioning unit in one of the Authority's office leaseholds goes out in the middle of summer and the replacement cost exceeds \$2,000, the Authority would either have to begin the RFP process (which would take a month for approval and could disrupt business operations) or it would have to declare an emergency expenditure."

## B. SECTION DIRECTORY:

Section 1: Provides guidelines for the reenactment of existing law.

Section 2: Amends, codifies, reenacts, and repeals chs. 65-2270, 67-2073, 67-2074, 67-2078, 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, L.O.F.

Section 3: Recreates the Seminole County Port Authority, and reenacts the charter to include:

Section 1: Seminole County Port Authority.

- Governing board composition, terms, and quorum.
- Warrant signing authority and bonding of officers and employees.
- Meeting requirements.
- Prohibition on compensation; provision for reimbursements.
- Staffing.
- Fiscal year.

Section 2: Definitions.

Section 3: Powers.

- Projects.
- Waterways.
- Property acquisition.
- Borrowing money.
- Joint agreements.
- Contracts, leases, and agreements.
- Authority to fix, regulate, and collect rates and charges for services and facilities; project use guidelines; ability to impose sanctions.
- Authority to fix miscellaneous rates.
- Authority to solicit shipping and other business; promote commerce and increase tonnage through the Port of Sanford.
- Authority to receive and accept federal and state funds.
- Applications, agreements; foreign commerce.
- Authority to enter into contracts with the state, the United States government, or their agencies.
- Documents; authority to prepare and adopt a comprehensive plan.
- Franchising.



- Authority to enter into contracts with utility companies.
- Revenues; budgeting.
- Bonding authority.
- Authority for other necessary or proper actions.
- Authority for necessary or proper actions to be or to serve as a local governmental body within the meanings of the State Constitution and Florida Statutes.
- Authority to publicize, advertise, and promote the activities and projects authorized by the charter; authority to cooperate with other agencies, both public and private, to accomplish the purposes of the charter; ability to authorize reasonable expenditures for auditing purposes.

Section 4: Financial reports; audits; tax levy.

Section 5: Additional powers.

- Corporate seal.
- Legal rights.
- Eminent domain.
- Acceptance of grants, gifts, and donations.
- Entering into contracts, leases, or other transactions with any federal or state agency, the state, Seminole County, any incorporated area, or with any other public body of the state.

Section 6: Rules and regulations.

Section 7: Bonds eligible for legal investments.

Section 8: Rights of employees.

Section 9: Cooperation with other units, boards, agencies, and individuals.

Section 10: Award of contracts.

Section 11: Execution of documents; examination of claims.

Section 12: Records.

Section 13: Audits.

Section 14: Chapter 315, F.S., relating to port facilities financing, also applicable.

Section 15: Submerged lands.

Section 16: Declaration of purpose.

Section 17: Construction.

Section 18: Surplus funds.

Section 4: Provides an effective date of upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 21, 2009.

WHERE? In the *Sanford Herald*, a daily newspaper published in Seminole County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

It appears that the provisions of this bill will not have an economic impact because this bill re-codifies the existing powers and operations of the Authority. The attached Economic Impact Statement indicates that there is no economic impact as a result of this bill.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- The bill does not include a status statement as required by s. 189.404(5), F.S.;
- The bill contains two sections regarding powers: s. 3 (Powers) and s. 5 (Additional Powers); and
- The bill includes several references to ch. 65-2270, L.O.F., which has been repealed. These references would need to be removed from the bill.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1                                   A bill to be entitled  
 2           An act relating to the Seminole County Port Authority,  
 3           Seminole County; codifying, amending, reenacting, and  
 4           repealing chapters 65-2270, 67-2073, 67-2074, 67-2078, 70-  
 5           946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447,  
 6           Laws of Florida; providing for warrants to be signed by  
 7           the chairperson, treasurer, or certain other persons;  
 8           providing that the authority may hold its books open for a  
 9           specified period after the end of the fiscal year;  
 10          providing that the authority shall comply with general law  
 11          for cost of construction and supplies; providing for  
 12          execution of documents and examination of claims;  
 13          providing for charter to supersede chapter 315, F.S., in  
 14          certain circumstances; providing an effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. (1) The reenactment of existing law in this  
 19 act shall not be construed as a grant of additional authority to  
 20 or to supersede the authority of any entity pursuant to law.  
 21 Exceptions to law contained in any special act that are  
 22 reenacted pursuant to this act shall continue to apply.

23           (2) The reenactment of existing law in this act shall not  
 24 be construed to modify, amend, or alter any covenants,  
 25 contracts, or other obligations of the district with respect to  
 26 bonded indebtedness. Nothing pertaining to the reenactment of  
 27 existing law in this act shall be construed to affect the  
 28 ability of the district to levy and collect taxes, assessments,

29 fees, or charges for the purpose of redeeming or servicing  
 30 bonded indebtedness of the district.

31 Section 2. Chapters 65-2270, 67-2073, 67-2074, 67-2078,  
 32 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, Laws  
 33 of Florida, are amended, codified, reenacted, and repealed as  
 34 provided herein.

35 Section 3. The Seminole County Port Authority is re-  
 36 created, and its charter is re-created and reenacted to read:

37 Section 1. Seminole County Port Authority.—There is hereby  
 38 created and established a body politic and corporate to be known  
 39 as the Seminole County Port Authority (hereinafter referred to  
 40 as the "authority"). The facility to be operated by the  
 41 authority shall be known as the Port of Sanford and is  
 42 authorized to exercise the jurisdiction, powers, and duties  
 43 herein granted.

44 (1) The governing body of the authority shall consist of  
 45 nine members, eight of whom shall be appointed by the Board of  
 46 County Commissioners of Seminole County. Such appointees shall  
 47 be residents of Seminole County who are qualified electors, none  
 48 of whom shall be an elected public official. One member shall be  
 49 selected annually by the Board of County Commissioners of  
 50 Seminole County from the board of county commissioners to serve  
 51 as the ninth member whose term shall expire on the first Tuesday  
 52 after the first Monday in January of the year next succeeding  
 53 his or her appointment. The remaining eight members shall be  
 54 appointed to serve terms of 4 years each. Each appointed member  
 55 shall hold office until his or her successor has been appointed  
 56 and has qualified. A vacancy occurring during the term of an

57 appointed member shall be filled only for the balance of the  
 58 unexpired term.

59 (2) The authority shall elect one of its members as  
 60 chairperson of the authority and a second member as vice  
 61 chairperson of the authority. The authority shall also elect a  
 62 secretary and a treasurer to perform such duties as the  
 63 authority may direct.

64 (3) Five members of the authority shall constitute a  
 65 quorum, and at least five members must approve any action to be  
 66 taken by the authority. Resolutions adopted by the vote of at  
 67 least five members of the authority shall become effective  
 68 without further action by the authority. Each member of the  
 69 authority shall have one vote. The yeas and nays shall be called  
 70 and entered upon the minutes of each meeting upon the passage of  
 71 each resolution or other action of the authority.

72 (4) All warrants drawn for the disbursement of funds of  
 73 the authority shall be signed by its chairperson and treasurer  
 74 or such persons as set forth in the purchasing policy adopted by  
 75 the authority in accordance with general law. Bonds or  
 76 additional bonds of the chairperson, the treasurer, and any  
 77 person employed by the authority as hereinafter provided who  
 78 handle or are responsible for public funds of the authority  
 79 shall be provided by the authority in amounts approved by the  
 80 Board of County Commissioners of Seminole County.

81 (5) The authority shall hold a regular meeting each month  
 82 on a date and at a time in Seminole County fixed by resolution  
 83 of the authority and properly recorded in its minutes. The  
 84 authority may change its regular meeting date only after

85 appropriate public notice. Special meetings may be called upon  
 86 the call of its chairperson or any three members of the  
 87 authority. Such special meetings shall be held in Seminole  
 88 County and whenever possible appropriate public notice thereof  
 89 shall be given. All meetings of the authority shall be open to  
 90 the public.

91 (6) The members of the authority shall receive no  
 92 compensation but shall receive reimbursement for per diem and  
 93 travel expenses incurred in connection with their official  
 94 duties as provided in section 112.061, Florida Statutes.  
 95 Reimbursement of said per diem and expenses to members of the  
 96 authority shall be made only pursuant to approval of the  
 97 authority and proper travel expense vouchers.

98 (7) The authority shall employ and fix the compensation of  
 99 a managing director who shall manage the affairs of the  
 100 authority under the supervision and control of the authority.  
 101 The authority may employ such engineers, attorneys, certified  
 102 public accountants, consultants, and employees as the authority  
 103 may require, and fix and pay their compensation.

104 (8) The authority may do any and all things necessary to  
 105 accomplish the purposes of this act.

106 (9) The fiscal year of the authority shall end on  
 107 September 30th of each year.

108 Section 2. Definitions.—The following words and terms  
 109 shall be taken to include the following meanings when the  
 110 context shall require or permit:

111 (1) "Authority" shall mean the body politic created by  
 112 this act.

113       (2) "County" shall mean the County of Seminole.  
 114       (3) "City" shall mean any incorporated municipality.  
 115       (4) "State" shall mean the State of Florida and any  
 116 department, corporation, agency, or instrumentality thereof.  
 117       (5) "Federal agency" shall mean and include the United  
 118 States, the President of the United States, and any department  
 119 or corporation, agency, or instrumentality thereof heretofore or  
 120 hereafter created, designated, or established by the United  
 121 States.  
 122       (6) "Projects" shall mean harbor, port, and shipping  
 123 facilities of all kinds, including, but not limited to, harbors,  
 124 channels, turning basins, anchorage areas, jetties, breakwaters,  
 125 waterways, canals, locks, tidal basins, wharves, docks, piers,  
 126 slips, bulkheads, public landings, warehouses, terminals,  
 127 refrigerating and cold storage plants, railroads and motor  
 128 terminals for passengers and freight, rolling stock, car  
 129 ferries, boats, conveyors and appliances of all kinds for the  
 130 handling, storage, inspection, and transportation and service  
 131 buildings, roads, toll highways, tunnels, causeways, and bridges  
 132 connected therewith or incident or auxiliary thereto, and may  
 133 include all property, structures, facilities, rights, easements,  
 134 and franchises relating to any such project and deemed necessary  
 135 or convenient for the acquisition, construction, purchase, or  
 136 operation thereof. The word "projects" shall also embrace  
 137 capital projects for port facilities and industrial or  
 138 manufacturing plants as contemplated by Section 10(c) of Article  
 139 VII of the State Constitution and projects as defined and  
 140 authorized under part II of chapter 159, Florida Statutes;

141 provided, however, that such industrial or manufacturing plants  
 142 shall be located only on property owned by the authority on the  
 143 effective date of this act.

144 (7) "Cost," as applied to improvements, shall mean the  
 145 cost of constructing or acquiring improvements and shall embrace  
 146 the cost of all labor and materials, the cost of all machinery  
 147 and equipment, financing charges, the cost of engineering and  
 148 legal expenses, plans, specifications, and such other expenses  
 149 as may be necessary or incident to such construction or  
 150 acquisition.

151 (8) "Cost," as applied to a project acquired, constructed,  
 152 extended, or enlarged, shall include the purchase price of any  
 153 project acquired; the cost of improvements; the cost of such  
 154 construction, extension, or enlargements; the cost of all lands,  
 155 properties, rights, easements, and franchises acquired; the cost  
 156 of all machinery and equipment; financing charges; interest  
 157 during construction; and, if deemed advisable, for 1 year after  
 158 completion of construction, cost of investigations and audits,  
 159 and of engineering and legal services, and all other expenses  
 160 necessary or incident to determining the feasibility or  
 161 practicability of such acquisition or construction,  
 162 administrative expenses, and such other expenses as may be  
 163 necessary or incident to the financing herein authorized and to  
 164 the acquisition or construction of a project and the placing of  
 165 the same in operation. Any obligation or expense incurred by the  
 166 authority prior to the issuance of revenue bonds under the  
 167 provision of this act for engineering studies and for estimates  
 168 of cost and of revenues and for other technical, financial, or



169 legal services in connection with the acquisition or  
 170 construction of any project may be regarded as a part of the  
 171 cost of such project.

172 Section 3. Powers.—The authority shall have the following  
 173 specific powers, in addition to other powers otherwise  
 174 conferred:

175 (1) To construct, acquire, establish, improve, extend,  
 176 enlarge, reconstruct, reequip, maintain, repair, and operate or  
 177 purchase any project as herein defined.

178 (2) Subject to the jurisdiction of the United States and  
 179 the state, to construct, establish, and improve harbors; to  
 180 improve navigable waters; and to construct and maintain canals,  
 181 slips, turning basins, and channels, all upon such terms and  
 182 conditions as may be required by the United States and the  
 183 state.

184 (3) To acquire for any project authorized by this act by  
 185 grant, purchase, gift, devise, condemnation by eminent domain  
 186 proceedings, exchange, or in any other manner, all property,  
 187 real or personal, or any estate or interest therein, upon such  
 188 terms and conditions as the authority shall by resolution fix  
 189 and determine. The right of eminent domain herein conferred  
 190 shall be exercised by the authority in the manner provided by  
 191 law.

192 (4) To borrow money for any authorized purpose, evidencing  
 193 such obligation by promissory notes, mortgages upon all or any  
 194 part of its assets, revenue certificates, certificates of  
 195 indebtedness, or other appropriate financing documents. Any  
 196 obligation of the authority that pledges any of the fixed assets

197 of the authority as security for such obligation or that pledges  
 198 the full faith and credit of the authority shall bear an  
 199 interest rate not to exceed the lawful rate as established by  
 200 law. Any obligation of the authority that does not directly  
 201 pledge any of its fixed assets or pledge its full faith and  
 202 credit, including, but not limited to, obligations contemplated  
 203 by chapter 159, Florida Statutes, shall bear interest at a rate  
 204 or rates to be established by the authority not exceeding 10  
 205 percent per annum.

206 (5) To enter into joint arrangements with steamship lines,  
 207 railroads, or other transportation lines, or any contract,  
 208 private, or common carrier, if the authority shall deem it  
 209 advantageous so to do.

210 (6) To make and enter into all contracts and agreements  
 211 and to do and perform all acts and deeds necessary and  
 212 incidental to the performance of its duties and the exercise of  
 213 its powers; to make and execute leases or agreements for the use  
 214 and occupation of the property and projects under its control on  
 215 such terms, conditions, and period of time as the authority may  
 216 determine, provided, however, that any lease or agreement for a  
 217 period exceeding 10 years shall be first authorized and approved  
 218 by the affirmative vote of not fewer than 5 members of the  
 219 authority; and to sell and dispose of such property and projects  
 220 as shall no longer be needed for the uses and purposes of the  
 221 authority on such terms and conditions as shall be prescribed by  
 222 resolution of the authority, provided, however, that before  
 223 disposing of any real property that was acquired from either the  
 224 city or county under the provisions of this act, the authority

225 shall give written notice to the governmental unit from which  
 226 such real property was acquired. If said governmental unit  
 227 desires to accept a reconveyance of said real property, it shall  
 228 give the authority written notice of such intention within 30  
 229 days after the date of mailing of the authority's notice  
 230 regarding the disposal of such property and the authority shall  
 231 make the reconveyance of such property to said governmental unit  
 232 forthwith. If within such 30 days said governmental unit does  
 233 not notify the authority in writing of a desire to accept a  
 234 reconveyance of said property, or refuses to accept a  
 235 reconveyance of same, the authority may sell and dispose of same  
 236 on such terms and conditions as shall be prescribed by  
 237 resolution of the authority.

238 (7) To the extent permitted by law to fix, regulate, and  
 239 collect rates and charges for the services and facilities  
 240 furnished by any project under its control; to establish, limit,  
 241 and control the use of any project as may be deemed necessary to  
 242 ensure the proper operation of the project; and to impose  
 243 sanctions to promote and enforce compliance with any rule or  
 244 regulation that the authority may adopt in the regulation of the  
 245 ports, harbors, wharves, docks, and other projects under its  
 246 control.

247 (8) To fix the rates of wharfage, dockage, warehousing,  
 248 storage, and port and terminal charges for the use of the port  
 249 and harbor facilities located within said county and owned or  
 250 operated by said authority.

251 (9) To solicit shipping and other business and do all  
 252 things necessary or advisable to promote commerce and increase

253 tonnage through the Port of Sanford.

254 (10) To receive and accept from any federal or state  
 255 agency grants for or in aid of the planning, development,  
 256 construction, improvement, or operation of any project and to  
 257 receive and accept contributions from any source of either  
 258 money, property, labor, or other things of value.

259 (11) To make any and all applications required by the  
 260 Treasury Department and other departments or agencies of the  
 261 United States Government as a condition precedent to the  
 262 establishment within the county of a free port, foreign trade  
 263 zone, or area for the reception from foreign countries of  
 264 articles of commerce; to expedite and encourage foreign commerce  
 265 and the handling, processing, and delivery thereof into foreign  
 266 commerce from the payment of custom duties and to enter into any  
 267 agreements required by such departments or agencies in  
 268 connection therewith; and to make like applications and  
 269 agreements with respect to the establishment within said county  
 270 of one or more bonded warehouses.

271 (12) To enter into any contract with the state, the United  
 272 States Government, or any agency of said governments, which may  
 273 be necessary in order to produce assistance, appropriations, and  
 274 aid for the deepening, widening, and extending of channels and  
 275 turning basins, and building and constructing slips, wharves,  
 276 breakwaters, jetties, bulkheads, and any and all other harbor  
 277 and navigation improvements and facilities.

278 (13) To make or cause to be made such surveys,  
 279 investigations, studies, borings, maps, plans, drawings, and  
 280 estimates of cost and revenues as it may deem necessary, and may

281 prepare and adopt a comprehensive plan or plans for the  
 282 location, construction, improvement, and development of any  
 283 project.

284 (14) To grant exclusive or nonexclusive franchises to  
 285 persons, firms, or corporations for the operation of  
 286 restaurants, cafeterias, bars, cigar and cigarette stands,  
 287 newsstands, buses, taxicabs, vending machines, hotels, motels,  
 288 service stations, and other concessions in, on, and in  
 289 connection with any project owned and operated by the authority.  
 290 In granting such franchises it shall be the duty of the  
 291 authority to investigate and consider the qualifications and  
 292 ability of the lessee or concessionaires to provide or perform  
 293 the contemplated services for the public using the facilities  
 294 and the revenues that will be derived therefrom by the authority  
 295 and to exercise sound prudent business judgment on behalf of the  
 296 authority with respect thereto, calling for bids when the  
 297 interests of the public will best be served by such action.

298 (15) To enter into contracts with utility companies or  
 299 others for the supplying by said utility companies or others of  
 300 water, gas, sewerage services, electricity, and telephone  
 301 service or any other services to or in connection with any  
 302 project.

303 (16) To pledge by resolution or contract the revenues  
 304 arising from the operation of any project or projects owned and  
 305 operated by the authority to the payment of the cost of  
 306 operation, maintenance, repair, improvement, extension, and  
 307 enlargement of the project or projects from the operation of  
 308 which such revenues are received and for the payment of

309 principal and interest on bonds issued in connection with any  
 310 such project or projects, and to combine for financing purposes  
 311 any two or more projects constructed or acquired by the  
 312 authority under the provisions of this act. In any such case the  
 313 authority may adopt separate budgets for the operation of such  
 314 project or projects. In every such case such revenues shall be  
 315 expended exclusively for the payment of the costs of operation,  
 316 maintenance, repair, improvement, extension, and enlargement of  
 317 the project or projects from the operation of which such  
 318 revenues arise, for the performance of the authority's contracts  
 319 in connection with such project or projects, and for the payment  
 320 of principal and interest requirements of any bonds issued in  
 321 connection with the project or projects. Any surplus of such  
 322 funds remaining on hand at the end of any year shall be carried  
 323 forward and may be expended in the succeeding year for the  
 324 payment of the costs of operation of such project or projects or  
 325 for the repair, improvement, and extension thereof as the  
 326 authority may determine, unless such surplus has been pledged  
 327 for the payment of principal and interest on bonds, as  
 328 authorized in subsection (17), in which event any such surplus  
 329 shall be applied in accordance with the resolution pledging the  
 330 same.

331 (17) (a) The authority is authorized to issue general  
 332 obligation bonds or revenue bonds of said authority for the  
 333 purpose of paying all or a part of the cost of any one or more  
 334 projects as herein defined, including the cost of enlargement,  
 335 expansion, and development of such project whether the property  
 336 used therefor has previously been acquired or not, and the cost

337 of removing therefrom or relocating or reconstructing at another  
 338 location any buildings, structures, or facilities which in the  
 339 opinion of such authority constitute obstructions or hazards to  
 340 the safe or efficient operation of any such project, and for the  
 341 purpose of paying off and retiring any bonds issued or assumed  
 342 under the provisions of this act.

343 (b) The bonds of each issue shall be authorized by  
 344 resolution of the authority and shall be dated; shall bear  
 345 average interest at such rate or rates not exceeding the lawful  
 346 rate of interest as is established by law; shall mature at such  
 347 time or times not exceeding 40 years from their date or dates,  
 348 as may be determined by the authority; and may be made  
 349 redeemable before maturity, at the option of the authority, at  
 350 such price or prices and under such terms and conditions as may  
 351 be fixed by the authority prior to the issuance of the bonds.  
 352 The authority shall determine the form of bonds, including any  
 353 interest coupons to be attached thereto; the manner of execution  
 354 of the bonds; and fix the denomination or denominations of the  
 355 bonds and the place or places of payment of principle and  
 356 interest, which may be at any bank or trust company within or  
 357 without the state. The resolution authorizing the issuance of  
 358 the bonds shall contain such provisions relating to the use of  
 359 the proceeds from the sale of the bonds and for the protection  
 360 and security of holders of the bonds, including their rights and  
 361 remedies, and the rights, powers, privileges, duties, and  
 362 obligations of the authority with respect to the same, as shall  
 363 be determined by the authority. In case any officer whose  
 364 signature or facsimile of whose signature shall appear on any

365 bonds or coupons shall cease to be such officer before the  
 366 delivery of such bonds, such signature or such facsimile shall  
 367 nevertheless be valid and sufficient for all purposes the same  
 368 as if he or she had remained in office until such delivery. All  
 369 bonds issued under the provisions of this act shall have and are  
 370 hereby declared to have all the qualities and incidents of  
 371 negotiable instruments under the negotiable instruments law of  
 372 the state. The bonds may be issued in coupon or in registered  
 373 form, or both, as the authority may determine, and provision may  
 374 be made for the registration of any coupon bonds as to principal  
 375 alone and also as to both principal and interest and for the  
 376 reconversion into coupons bonds of any bonds registered as to  
 377 both principal and interest. The issuance of such bonds shall  
 378 not be subject to any limitations or conditions contained in any  
 379 other law.

380 (c) Prior to any sale of bonds the authority shall cause  
 381 notice to be given by publication in some daily newspaper  
 382 published and having a general circulation in the county that  
 383 the authority will receive bids for the purchase of the bonds at  
 384 the office of the authority in the county. Said notice shall be  
 385 published twice and the first publication shall be given not  
 386 less than 15 days prior to the date set for receiving the bids.  
 387 Said notice shall specify the amount of the bonds offered for  
 388 sale, shall state that the bids shall be sealed bids, and shall  
 389 give the schedule of the maturities of the proposed bonds and  
 390 such other pertinent information as may be prescribed in the  
 391 resolution authorizing the issuance of such bonds or any  
 392 resolution subsequent thereto. Bidders may be invited to name



393 the rate or rates of interest that the bonds are to bear or the  
394 authority may name rates of interest and invite bids thereon. In  
395 addition to publication of notice of the proposed sale the  
396 authority shall also give notice in writing of the proposed sale  
397 enclosing a copy of such advertisement to the chairperson of the  
398 State Board of Administration and to at least three recognized  
399 bond dealers in the state, such notices to be given not less  
400 than 10 days prior to the date set for receiving the bids.

401 (d) All bonds and refunding bonds issued pursuant to this  
402 chapter shall be sold at public sale and shall be awarded to the  
403 bidder whose bid produces the lowest net interest cost to the  
404 authority. The net interest cost of bids shall be determined by  
405 taking the aggregate amount of interest at the rate or rates  
406 specified in the bids, computed from the date of the bonds to  
407 the date of the various stated maturities thereof, and deducting  
408 therefrom the amount of any premium offered in excess of the par  
409 value of the bonds or adding thereto the amount of any discount  
410 offered below the par value of the bonds, with interest computed  
411 on a 360-day-year basis. The authority shall reserve the right  
412 to reject any or all bids. In no event shall said bonds be sold  
413 at a net interest cost to the authority in excess of the rate as  
414 is established by law. Pending the preparation of definitive  
415 bonds, interim bonds may be issued to the purchaser or  
416 purchasers of such bonds and may contain such terms and  
417 conditions as the authority may determine.

418 (e) The authority shall require all bidders for said bonds  
419 to enclose a certified or bank cashier's check, in the amount of  
420 2 percent of the total par value of the bonds offered for sale,

421 drawn on an incorporated bank or trust company payable  
 422 unconditionally to the order of the authority as a guarantee of  
 423 good faith in the performance of each bid. The checks of the  
 424 unsuccessful bidders shall be returned immediately upon the  
 425 award of the bonds and the check of the successful bidder shall  
 426 be retained by the authority and credited against the full  
 427 purchase price of the bonds at the time of delivery or retained  
 428 as and for liquidated damages in case of the failure of such  
 429 bidder to fulfill the terms of his or her bid.

430 (f) No general obligation bonds shall be issued hereunder  
 431 unless the issuance of such bonds shall have been approved by a  
 432 majority of the votes cast in an election in which a majority of  
 433 the freeholders residing in Seminole County who are qualified to  
 434 vote in such election shall participate. Whenever the authority  
 435 by resolution requests the Board of County Commissioners of  
 436 Seminole County to hold such an election, said board may on  
 437 behalf of the authority; hold, conduct, canvass, and announce  
 438 the results of such election in accordance with the procedure  
 439 prescribed by law for the issuance of county bonds. The expenses  
 440 of such election shall be paid by the authority. In no event  
 441 shall such general obligation bonds be construed or considered  
 442 to be bonds of the County of Seminole but shall be solely bonds  
 443 of said authority. If the resolution of the authority requests  
 444 said board of county commissioners as a prerequisite to holding  
 445 such bond election to provide for a special registration of  
 446 freeholders who shall be qualified to participate in such  
 447 election, the board of county commissioners may provide for such  
 448 special registration of qualified electors who are freeholders

449 in Seminole County in the same manner provided by law for the  
 450 special registration of freeholders in county bond elections.  
 451 The expenses of conducting such special registration shall be  
 452 borne by the authority.

453 (18) To do all other acts and things necessary or proper  
 454 in the exercise of the powers herein granted.

455 (19) To do all acts or things necessary or proper to be  
 456 and serve as a local governmental body within the meaning of  
 457 Section 10(c) of Article VII of the State Constitution or as a  
 458 local agency under part II of chapter 159, Florida Statutes,  
 459 with respect to any project as defined therein, provided, that  
 460 projects as defined in part II of chapter 159, Florida Statutes,  
 461 shall be located only on property owned by the authority on the  
 462 effective date of this act; provided, further, that with respect  
 463 to port facilities (wherever located within Seminole County)  
 464 within the meaning of Section 10(c) of Article VII of the State  
 465 Constitution, the authority shall have the same powers as a  
 466 local agency under part II of chapter 159, Florida Statutes, as  
 467 are therein provided with respect to industrial or manufacturing  
 468 plants as fully and completely as if port facilities had been  
 469 expressly included within the definition of project therein.

470 (20) To publicize, advertise, and promote the activities  
 471 and projects authorized by this act; to make known to users and  
 472 potential users in the public the advantages, facilities,  
 473 resources, products, attractions, and attributes of the  
 474 activities and projects authorized by chapter 65-2270, Laws of  
 475 Florida; to further create a favorable climate of opinion  
 476 concerning the activities and projects authorized and indicated

477 by chapter 65-2270, Laws of Florida; to cooperate, including the  
 478 grant or expenditure of funds, to and with other agencies, both  
 479 public and private, in accomplishing the purposes authorized by  
 480 chapter 65-2270, Laws of Florida; and in furtherance thereof, to  
 481 authorize reasonable expenditures by a supporting voucher to be  
 482 filed for audit for such authorized purposes, including, but not  
 483 limited to, meals and hospitality.

484 Section 4. Financial reports; audits; tax levy.-

485 (1) The authority shall on or before November 30 of each  
 486 year file an annual financial report for the fiscal year ended  
 487 September 30 immediately preceding with the Board of County  
 488 Commissioners of Seminole County. The authority shall on or  
 489 before July 15 each year submit to the board of county  
 490 commissioners a detailed budget for its operations in the  
 491 succeeding fiscal year beginning October 1. The authority shall,  
 492 with the board of county commissioners, fix a date and time on  
 493 or before August 31 for a public hearing on the budget of the  
 494 authority. The authority shall advertise a summary of the budget  
 495 one time in a newspaper of general circulation published in the  
 496 county, and the advertisement shall state that the authority and  
 497 the board of county commissioners will meet on a day fixed in  
 498 the advertisement, not earlier than 1 week and not later than 2  
 499 weeks from the date of the advertising for the purpose of  
 500 hearing requests and complaints from the public regarding the  
 501 budgets. The authority and the board of county commissioners  
 502 shall meet upon the date fixed in the advertisement, and from  
 503 day to day thereafter if deemed necessary, for the purpose of  
 504 holding a public hearing and making whatever revisions in the

505 budget that are deemed necessary. The board of county  
 506 commissioners pursuant to the public hearing thereon may approve  
 507 or disapprove the total of the budget of the authority. Upon the  
 508 board's approval, the budget becomes fixed and the total thereof  
 509 may be amended by the authority in the manner prescribed for  
 510 county budgets in section 129.06(2), Florida Statutes. All  
 511 expenses incurred in the fiscal year for which the budget is  
 512 made shall be vouchered and charged on the financial records  
 513 against the budget of that year, and to carry out this provision  
 514 the authority may hold its books open for 60 days after the  
 515 expiration of the fiscal year. It is unlawful for the authority  
 516 to expend or contract for expenditures in any fiscal year more  
 517 than the amount budgeted and in no case shall the total  
 518 appropriation be exceeded. It is unlawful for the authority to  
 519 incur indebtedness against the authority in excess of the  
 520 expenditure allowed by law, or to pay any illegal charge against  
 521 the authority, or to pay any claim against the authority not  
 522 authorized by law and any member of the authority concurring in  
 523 any such act shall be guilty of malfeasance in office and  
 524 subject to suspension and removal from office as provided  
 525 elsewhere herein. The Board of County Commissioners of Seminole  
 526 County may levy an annual tax on all taxable real and personal  
 527 property in such county in the budget amount so approved, which  
 528 amount, however, shall not exceed one-half mill, for the  
 529 operating and administrative expenses of the authority and for  
 530 the construction, operation, maintenance, enlargement,  
 531 expansion, improvement, or development of any project or  
 532 projects herein specified, and for the purpose of enabling the

533 authority to carry out its functions under this act.

534 (2) The board of county commissioners shall levy an annual  
 535 tax on all taxable real and personal property in such county  
 536 sufficient to meet the sinking fund requirements for the payment  
 537 of the interest and principal on any general obligation bonds  
 538 issued by the authority as the same become due.

539 (3) For the payment of the principal of and the interest  
 540 on any general obligation bonds of the authority issued under  
 541 the provisions of this act, the Board of County Commissioners of  
 542 Seminole County shall levy annually, in the manner hereinafter  
 543 provided, a special tax upon all taxable real and personal  
 544 property within the county, in addition to the tax authorized by  
 545 subsection (1), sufficient to pay such principal and interest as  
 546 the same respectively become due and payable and the proceeds of  
 547 all such taxes shall when collected and received by the  
 548 authority be paid into a special fund and used for no other  
 549 purpose than the payment of such principal and interest;  
 550 provided, however, that there may be pledged to payment of such  
 551 principal and interest the surplus of the revenues of the  
 552 project or projects, after payment of the costs of operation,  
 553 maintenance, and repair thereof, and in the event of such pledge  
 554 the amount of the annual tax levy herein provided for may be  
 555 reduced in any year by the amount of such revenues actually  
 556 received in the preceding year and then remaining on deposit to  
 557 the credit of the special fund for the payment of such principal  
 558 and interest.

559 (4) The levy, collection, and expenditure of such taxes is  
 560 hereby declared to be for a lawful county purpose.

561       (5) The property appraiser shall assess taxes for the  
 562 authority upon certification of the tax levy by the board of  
 563 county commissioners and the tax collector of Seminole County  
 564 shall, as and when collected, remit and deposit all moneys  
 565 collected under the taxes hereby authorized to the authority in  
 566 a bank or banks qualified as depositories of public funds, to be  
 567 designated by such authority. Certified copies of tax  
 568 resolutions executed in the name of the authority by its  
 569 chairperson, and attested by its secretary, under its corporate  
 570 seal, shall immediately be delivered to the Board of County  
 571 Commissioners of Seminole County. Commissions of the property  
 572 appraiser and tax collector shall be paid by the authority and  
 573 shall be at the rates provided by law for the assessment and  
 574 collection of county taxes.

575       (6) The property appraiser, tax collector, and Board of  
 576 County Commissioners of Seminole County shall when requested by  
 577 the authority, prepare from their official records and deliver  
 578 to the authority any and all information that may be requested  
 579 at any time from him or her or them regarding the tax  
 580 valuations, levies, assessments, or collections in such county,  
 581 the cost of which shall be at the authority's expense.

582       (7) Misfeasance, malfeasance, or nonfeasance, or any act  
 583 of impropriety reflecting upon the port authority, shall be  
 584 cause for the suspension or removal of any member of the port  
 585 authority. Removal may be effected by the Governor.

586       Section 5. Additional powers.—The authority shall have the  
 587 power to adopt, use, and alter at will a corporate seal; to sue  
 588 and be sued, implead and be impleaded, complain, and defend in

589 all courts; to exercise the power of eminent domain to acquire  
 590 property for any of its authorized purposes, including the  
 591 taking of such property ancillary to said power in the manner  
 592 from time to time provided by the laws of the state; to accept  
 593 grants, gifts, and donations; and to enter into contracts,  
 594 leases, or other transactions with any federal agency, the  
 595 state, any agency of the state, the County of Seminole, any  
 596 incorporated area, or with any other public body of the state.

597 Section 6. Rules and regulations.—The authority shall have  
 598 power to adopt rules and regulations with reference to all  
 599 projects and matters under its control. All rules and  
 600 regulations promulgated and all impositions and exactions made  
 601 by the authority hereof shall be just and reasonable and  
 602 consistent with public interest, and their application shall be  
 603 subject to review by certiorari in any court of proper and  
 604 competent jurisdiction. All rules and regulations of the  
 605 authority shall be a matter of public record and copies thereof  
 606 shall be dispensed by the authority at cost to all applicants  
 607 therefor.

608 Section 7. Bonds eligible for legal investments.—  
 609 Notwithstanding any provisions of any other law or laws to the  
 610 contrary, all revenue bonds, general obligation bonds, or any  
 611 combination of general obligation or revenue bonds, including  
 612 refunding bonds, issued pursuant to this act shall constitute  
 613 legal investments for savings banks, banks, trust companies,  
 614 executors, administrators, trustees, guardians, and other  
 615 fiduciaries, and for any board, body, agency or instrumentality  
 616 of the state, or of any county, municipality, or other political



617 subdivision of the state; and shall be eligible as security for  
 618 deposits for state, county, municipal and other public funds.

619 Section 8. Rights of employees.-All employees of the  
 620 authority shall be employed and promoted in accordance with and  
 621 under such rules and regulations as the authority may adopt from  
 622 time to time.

623 Section 9. Cooperation with other units, boards, agencies,  
 624 and individuals.-Express authority and power is hereby given and  
 625 granted any county, municipality, drainage district, road and  
 626 bridge district, school district, or any other political  
 627 subdivision, board, commission or individual in, or of, the  
 628 state to make and enter into with the authority, contracts,  
 629 leases, conveyances, or other agreements within the provisions  
 630 and purposes of this chapter. The authority is hereby expressly  
 631 authorized to make and enter into contracts, leases,  
 632 conveyances, and other agreements with any political  
 633 subdivisions, agency, or instrumentality of the state and any  
 634 and all federal agencies, corporations, and individuals, for the  
 635 purpose of carrying out the provisions of this chapter.

636 Section 10. Award of contracts.-

637 (1) All construction, reconstruction, repairs,  
 638 maintenance, or work of any nature made by the authority shall  
 639 comply with the purchasing policy adopted by the authority in  
 640 accordance with Florida Statutes. Nothing in this section shall  
 641 be construed to limit the power of authority to construct,  
 642 repair, or improve its projects or facilities, or any part  
 643 thereof, or any addition, betterment, or extension thereto,  
 644 directly by the officers, agents, and employees of the

645 authority, or otherwise than by contract.

646 (2) All supplies, equipment, machinery, and materials  
 647 purchased by the authority shall comply with the purchasing  
 648 policy adopted by the authority in accordance with Florida  
 649 Statutes.

650 (3) The term "advertisement" or "due public notice"  
 651 wherever used in this section shall mean a notice published at  
 652 least once a week for 2 consecutive weeks before the award of  
 653 any contract, in accordance with the purchasing policy adopted  
 654 by the authority in accordance with Florida Statutes, in a daily  
 655 newspaper published and having a general circulation in the  
 656 county, and in such other newspapers or publications as the  
 657 authority shall deem advisable.

658 (4) No member of the authority or officer or employee  
 659 thereof shall either directly or indirectly be a party to, or be  
 660 in any manner interested in, any contract or agreement with the  
 661 authority for any matter, cause, or thing whatsoever in which  
 662 such member shall have a financial interest or by reason whereof  
 663 any liability or indebtedness shall in any way be created  
 664 against such authority. If any contract or agreement shall be  
 665 made in violation of the provisions of this section the same  
 666 shall be null and void and no action shall be maintained thereon  
 667 against the authority.

668 (5) Subject to the aforesaid provisions the authority may,  
 669 without intending by this provision to limit any powers of the  
 670 authority, enter into and carry out such contract, or establish  
 671 or comply with such rules and regulations concerning labor and  
 672 materials and other related matters in connection with any

673 project, or portion thereof, as the authority may deem desirable  
 674 or as may be requested by the Federal Government or state  
 675 government assisting in the financing of its projects, port  
 676 facilities, and facilities related thereto, or any part thereof;  
 677 provided that the provisions of this section shall not apply to  
 678 any contract or agreement between the authority and any  
 679 engineers, architects, attorneys, or for other professional  
 680 services, or to any contract or agreement relating to fiscal  
 681 advisors, fiscal agents, or investment bankers, relating to the  
 682 financing of projects herein authorized.

683 Section 11. Execution of documents; examination of  
 684 claims.—All instruments in writing necessary to be signed by the  
 685 authority shall be executed by the chairperson and secretary and  
 686 attested by the seal of the authority. No expenditure of funds  
 687 of the authority shall be made except by voucher approved by the  
 688 authority and signed by its chairperson and treasurer or such  
 689 persons as set forth in the purchasing policy adopted by the  
 690 authority in accordance with Florida Statutes. The authority  
 691 shall provide for the examination of all payrolls, bills, and  
 692 other claims and demands against the authority to determine  
 693 before the same are paid that they are duly authorized, in  
 694 proper form, correctly computed, legally due and payable, and  
 695 that the authority has funds on hand to make payment.

696 Section 12. Records.—The authority shall keep accurate and  
 697 sufficiently detailed financial records, including source  
 698 documents and books of final entry, on forms and in a manner  
 699 approved by the state auditor. Minutes shall be kept of each  
 700 meeting of the authority and shall reflect all official actions

701 of the authority. The minute book shall be properly indexed as  
 702 to subject matter for easy reference thereto. All records of the  
 703 authority shall be open for public inspection at the office of  
 704 the authority during regular business hours, except that no  
 705 individual has the right to monopolize any particular record  
 706 that might be referred to by a large number of persons or the  
 707 use of which might be required by the officer or employee having  
 708 charge of it.

709 Section 13. Audits.—The records shall be audited annually  
 710 by the state auditor and the authority shall make all records  
 711 necessary for said audit available to the state auditor at the  
 712 time designated by him or her.

713 Section 14. Chapter 315, Florida Statutes, relating to  
 714 port facilities financing, also applicable.—The provisions of  
 715 chapter 315, Florida Statutes, relating to port facilities  
 716 financing, shall also be applicable to the authority but where  
 717 the provisions of said chapter 315 are inconsistent with the  
 718 provisions of this act, the provisions of this act shall  
 719 prevail.

720 Section 15. Submerged lands.—The authority shall negotiate  
 721 with the trustees of the internal improvement board for the  
 722 transfer of such islands and submerged lands belonging to the  
 723 state to the authority as will serve a public purpose, subject  
 724 to the riparian rights of the respective owners of the uplands  
 725 adjacent thereto.

726 Section 16. Declaration of purpose.—The authority created  
 727 by this act and the purposes that it is intended to serve are  
 728 hereby found to be for a county and public purpose. The

729 authority is hereby designated as a local governmental body  
 730 within the meaning of Section 10(c) of Article VII of the State  
 731 Constitution and as a local agency within the meaning of such  
 732 term in part II of chapter 159, Florida Statutes, subject to the  
 733 specific limitations and additional grants of power provided in  
 734 this act.

735 Section 17. Construction.—It is intended that the  
 736 provisions of this act shall be liberally construed to  
 737 accomplish the purposes provided for or intended to be provided  
 738 for herein, and where strict construction would result in the  
 739 defeat of the accomplishment thereof, the liberal construction  
 740 shall be chosen.

741 Section 18. Surplus funds.—

742 (1) The Seminole County Port Authority at its discretion  
 743 may transfer to the Seminole County General Fund any moneys  
 744 derived from its operation which are declared to be surplus to  
 745 the needs of the authority. Such transfer may be effected at any  
 746 time or from time to time as determined by the authority.

747 (2) Such surplus moneys as designated in subsection (1)  
 748 transferred to the general fund may be expended by the board of  
 749 county commissioners for any legal purpose.

750 Section 4. This act shall take effect upon becoming a law.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 423 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION   \_\_\_ (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN                 \_\_\_ (Y/N)  
OTHER                     \_\_\_\_\_

1 Council/Committee hearing bill: Military & Local Affairs Policy  
2 Committee  
3 Representative(s) Dorworth offered the following:

4  
5       **Amendment**  
6       Remove line 40 and insert:  
7  
8       as the "authority"), a dependent special district. The facility  
9       to be operated by the

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION    \_\_\_ (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN                 \_\_\_ (Y/N)  
OTHER                      \_\_\_\_\_

---

1 Council/Committee hearing bill: Military & Local Affairs Policy  
2 Committee

3 Representative(s) Dorworth offered the following:

4  
5       **Amendment**

6       Remove lines 474-483 and insert:

7  
8       activities and projects authorized by this act; to further  
9       create a favorable climate of opinion concerning the activities  
10      and projects authorized and indicated by this act; to cooperate,  
11      including the grant or expenditure of funds, to and with other  
12      agencies, both public and private, in accomplishing the purposes  
13      authorized by this act; and in furtherance thereof, to authorize  
14      reasonable expenditures by a supporting voucher to be filed for  
15      audit for such authorized purposes, including, but not limited  
16      to, meals and hospitality.

17       (21) The authority shall have the power to adopt, use, and  
18      alter at will a corporate seal; to sue and be sued, implead and  
19      be impleaded, complain, and defend in all courts; to exercise

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 423 (2010)

Amendment No. 2

20 | the power of eminent domain to acquire property for any of its  
21 | authorized purposes, including the taking of such property  
22 | ancillary to said power in the manner from time to time provided  
23 | by the laws of the state; to accept grants, gifts, and  
24 | donations; and to enter into contracts, leases, or other  
25 | transactions with any federal agency, the state, any agency of  
26 | the state, the County of Seminole, any incorporated area, or  
27 | with any other public body of the state.



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 423 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION   \_\_\_ (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN                 \_\_\_ (Y/N)  
OTHER                     \_\_\_\_\_

---

1 Council/Committee hearing bill: Military & Local Affairs Policy  
2 Committee  
3 Representative(s) Dorworth offered the following:

4  
5       **Amendment**  
6       Remove lines 586-596

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION   \_\_\_ (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN                 \_\_\_ (Y/N)  
OTHER                      \_\_\_\_\_

---

1 Council/Committee hearing bill: Military & Local Affairs Policy  
2 Committee  
3 Representative(s) Dorworth offered the following:  
4

5                    **Amendment**

6                    Remove lines 637-668 and insert:  
7

8                    (1)(a) The authority shall adopt a purchasing policy in  
9 accordance with section 255.20 and chapter 287, Florida  
10 Statutes, with bidding amounts not to exceed the limits  
11 contained therein.

12                   (b) All construction, reconstruction, repairs,  
13 maintenance, or work of any nature made by the authority shall  
14 comply with the purchasing policy adopted by the authority in  
15 accordance with section 255.20, Florida Statutes. Nothing in  
16 this section shall be construed to limit the power of the  
17 authority to construct, repair, or improve its projects or  
18 facilities, or any part thereof, or any addition, betterment, or

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 423 (2010)

Amendment No. 4

19 extension thereto, directly by the officers, agents, and  
20 employees of the authority, or otherwise than by contract.

21 (c) All supplies, equipment, machinery, and materials  
22 purchased by the authority shall comply with the purchasing  
23 policy adopted by the authority in accordance with chapter 287,  
24 Florida Statutes.

25 (2) No member of the authority or officer or employee  
26 thereof shall either directly or indirectly be a party to, or be  
27 in any manner interested in, any contract or agreement with the  
28 authority for any matter, cause, or thing whatsoever in which  
29 such member shall have a financial interest or by reason whereof  
30 any liability or indebtedness shall in any way be created  
31 against such authority. If any contract or agreement shall be  
32 made in violation of the provisions of this section the same  
33 shall be null and void and no action shall be maintained thereon  
34 against the authority.

35 (3) Subject to the aforesaid provisions the authority may,



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**



**BILL #:** HB 431

Peace Creek Drainage District, Polk County

**SPONSOR(S):** Wood

**TIED BILLS:**

**IDEN./SIM. BILLS:**

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Military & Local Affairs Policy Committee		Fudge 	Hoagland 
2)	Agriculture & Natural Resources Policy Committee			
3)	Natural Resources Appropriations Committee			
4)	Economic Development & Community Affairs Policy Council			
5)				

**SUMMARY ANALYSIS**

This bill dissolves the Peace Creek Drainage District (PCDD) and transfers all assets and indebtedness of the district, if any, to the Southwest Florida Water Management District effective July 1, 2010.

The bill is effective upon becoming law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The Peace Creek Drainage District (PCDD), located in Polk County, was established pursuant to ch. 6458, L.O.F., in 1913, which provides the statutory framework for creating drainage districts. On April 6, 1915, the Board of Supervisors of the District levied and assessed a tax amounting to 22.24848 percent of the benefits assessed to or against each tract or parcel within the District declared to be benefitted by the District. At that time a referendum was not required for the assessment. Also in 1915, the Legislature legalized and validated the assessment of lands in the District. The jurisdiction of the PCDD covers approximately 45,000 total acres that are used primarily for agricultural purposes, and includes the Peace Creek Drainage Canal (Canal). The 34-mile long Canal was constructed by the PCDD around 1915 for the purpose of draining land for agricultural use. Construction of the Canal was funded by assessments levied against property owners in the district. The PCDD has not levied any assessment or tax in decades or performed any Canal maintenance. The PCDD is governed by a three-member board elected by the landowners within the district. The owner of each one acre, or less, is entitled to one vote per acre. The board meets on an annual basis or at the call of the chair. The District currently possesses the powers of a drainage district under ch. 298, F.S.

The PCDD states that there are no outstanding financial liabilities other than legal, accounting and secretary/treasurer billing for which it has not received a recent statement.

Section 189.4042(2), F.S., states that "for any independent district that has ad valorem taxation powers, the same procedure required to grant such independent district taxation powers shall also be required to dissolve or merge the district." As stated above, the Legislature passed a special act to "legalize and validate the assessment of lands in the Peace Creek Drainage District, in Polk County, Florida, for drainage purposes . . . ." Chapter 7090, Laws of Florida. Consequently, this local bill is the appropriate method to abolish the district.

The bill abolishes the Peace Creek Drainage District (PCDD) on July 1, 2010.

#### B. SECTION DIRECTORY:

Section 1: Abolishes the Peace Creek Drainage District and transfer all assets and indebtedness, if any, to the Southwest Florida Water Management District.

Section 2: Repeals chapter laws affecting the district.

Section 3: Provides an effective date of upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 31, 2009.

WHERE? In the *News Chief*, published in Polk County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Southwest Florida Water Management District passed a resolution on August 25, 2009, supporting this bill. The District anticipates that expenditures for fiscal year 2011 will be \$250,000 and represent maintenance activities to improve the conveyance of the canal including sediment removal and regular aquatic vegetation removal. The anticipated fiscal year 2012 expenditures of \$200,000, includes funds for the operation and maintenance of the canal.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

HB 431

2010

1                   A bill to be entitled  
 2           An act relating to the Peace Creek Drainage District, Polk  
 3           County; abolishing the district; providing for transfer of  
 4           assets and indebtedness; repealing special acts relating  
 5           to the district; providing an effective date.

6  
 7   Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. The Peace Creek Drainage District, a district  
 10 existing under chapter 298, Florida Statutes, is abolished and  
 11 its assets and indebtedness, if any, in accordance with section  
 12 189.444, Florida Statutes, are transferred to the Southwest  
 13 Florida Water Management District on July 1, 2010.

14           Section 2. Chapters 7090 (1915), 13721 (1929), 19380  
 15 (1939), 19414 (1939), 19627 (1939), 20803 (1941), and 22881  
 16 (1945), Laws of Florida, are repealed.

17           Section 3. This act shall take effect upon becoming a law.



**Century Commission  
Annual Report**

# FOURTH ANNUAL REPORT



January 2010

Dear Governor Crist, Senate President Atwater and House Speaker Cretul:

As the first decade of the new millennium closes, the Century Commission for a Sustainable Florida continues to embrace its charge to envision Florida over the next fifty years and offer guidance to policy makers on how best to make it a reality. Few, if any, state organizations have the privilege to think long-term about our collective future. The Century Commission recognizes the importance of its charge and has respectfully proposed ideas about how the state might address some critical long-term challenges.

The Commission's recommendations have focused on energy independence and climate change; conservation strategies and land use policy; and an action plan to help create a sustainable and healthy water supply for people, agriculture and the environment. Funding challenges to state and local government required that the Century Commission build a strong coalition of supporters from a variety of stakeholders. These public-private partnerships enabled the Commission to convene the 2008 Water Congress.

The Commission is now working with universities, non-profits, environmental groups and associations to evaluate potential impacts of oil and gas exploration in the Gulf of Mexico. Through public-private partnerships like this – supported by the Collins Center for Public Policy – government and the private sector can work together to realize a better future for our state.

The work of the Commission is vitally important to the future of Florida. Commissioners are donating their time and financial resources to meet their charge. The Collins Center for Public Policy, an independent not-for-profit organization, is donating resources to staff and support the Commission. The Commission's charge is that important.

On behalf of the members of the Commission, it has been an honor to be given the broad charge to help the state envision its future on a 50-year planning horizon. We encourage adoption of the many recommendations made to date and a more defined funding strategy over the coming years. The Century Commission stands ready to assist in the implementation of any of these recommendations.

We wish you much success in the coming months and thank you for helping to create a sustainable Florida.

Sincerely,

A handwritten signature in black ink that reads "Rick Baker".

Rick Baker  
Chair, Century Commission

**Rick Baker, Chair**  
*St. Petersburg*

**Mike Bennett**  
*Senator, Bradenton*

**Tommy Boroughs**  
*Orlando*

**Bob Carpenter**  
*Tampa*

**Rita Craig**  
*The Craig Group, Palm Beach Gardens*

**Ron Edwards**  
*Evans Properties, Vero Beach*

**Barbara Fitos**  
*County Commissioner, Marion County*

**Mike Hickman**  
*Lakeland*

**Laura A. Holquist**  
*Fort Myers*

**Gregory Langowski**  
*West Palm Beach*

**Doug Mannheimer**  
*Tallahassee*

**Andrew H. McLeod**  
*The Nature Conservancy, Tallahassee*

**Julio Robaina**  
*Mayor, Hialeah*

**Bill Roberts**  
*County Commissioner, Okaloosa County*

**Pam Vergara**  
*Brooksville*

**Tim Center, Esq.**  
*Executive Director*

**CenturyCommission.org**

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f. 850.219.0491

This is the 4<sup>th</sup> Annual Report to the Governor and Florida Legislature from the Century Commission for a Sustainable Florida. To be sustainable is to ensure economic prosperity within environmental limits to improve the quality of life of those in our community. This report builds on guiding principles adopted in the Commission's First Annual Report released in 2007. Work continues to help define a vision for our collective future and offer recommendations about how to achieve our fullest potential as a state.

**Recommendation 1: Convene a Fact Finding Process to Discuss the Potential Impacts of Oil and Gas Exploration in the Gulf of Mexico.**

In the *First Annual Report* (2007), the Century Commission stated that "the relationship between our energy sources and our security, economy and environment demand a bold vision." The first recommendation, in part, called for research that would enable Florida to become independent of foreign oil. Recent proposals to lift the ban on off-shore oil drilling and exploration have raised serious questions.

***The Century Commission, in conjunction with the Collins Center for Public Policy, recommends a process to engage all interested stakeholders to discuss the potential impacts of oil and gas exploration in the Gulf of Mexico.***

The Century Commission, aligned with its guiding principles, believes that it is necessary that the process be approached with the following assumptions:

- It is a fact driven process.
- There is no presumed outcome.
- The process allows the opportunity for all interested parties to participate and provide input on data collected without limitations. These interested parties should include representatives from the environmental industry, the oil and gas industry, the tourism and cruise industry, the marine and ports industry, technical experts, regulatory and government representation, the Florida Department of Environmental Protection and Florida Geological Service, energy experts, citizen activists and the military.

Work on this recommendation has already begun. The results of the process will not be a conclusion that exploration should or should not take place. The objective of the process is to identify the significant issues and questions surrounding exploration, and develop answers to the questions. Where there is a consensus on a given answer it will be identified. Where there is no consensus, the lack of a consensus will also be identified and the various answers identified by the different constituencies will be presented. The end result will be a presentation to the Legislature and Governor of the list of issues, questions and alternative answers.

The process is intended to identify issues, identify consensus where available, and provide to the Governor and Legislature unbiased information and scientific data to assist in policy making decisions. With the cooperation of an advisory committee of stakeholders including representatives from the Marine Policy Institute at Mote, University of South Florida College of Marine Sciences and members of the St. Petersburg Oceans Team, along with the Florida State University Institute of Energy Systems, Economics and Sustainability, the Century Commission has started the process of proceeding in advancing this recommendation. The Commission will seek answers to a series of questions ranging from State and Federal Regulatory Interplay and Resource Estimates and Production Patterns to Environmental Risks and Energy Security to Environmental Permitting and Emergency Response.

## **Recommendation 2: Follow Up on Recommendation to Design Sustainable Communities and Buildings.**

In the **Second Annual Report** (2008), the Century Commission recommended that it was important to Florida to design sustainable communities and buildings. In order to advance the vision of a sustainable quality of life for Florida's future, the Century Commission believes it is necessary to develop communities that, through transportation, density, natural place building and community design, and related matters, result in a sustainable state, both for individual buildings and the citizenry as a whole.

In that report, the Commission recommended that the Florida Building Code be reviewed with the intention of making amendments that strengthen standards for water and energy efficiency, and for durability in case of disaster. While legislative requirements regarding energy efficiency were placed on the Building Commission, additional steps dealing with water conservation are recommended below. Adopting third-party certification standards should be encouraged to the extent possible. As noted in that report:

*Examples of performance-based standards presented to the Century Commission include ENERGY STAR, Florida Water Star, green building and neighborhood standards adopted by the U.S. Green Building Council and the Florida Green Building Coalition, the Florida Yards and Neighborhoods program developed by the University of Florida's (IFAS) Cooperative Extension Service, and Fortified for Safer Living by the Institute for Business and Home Safety.*

This past year, the Century Commission explored the economic and environmental savings that can be experienced through efforts that reduce the heat effect from urban surfaces. With cooler roofs, summertime temperatures are reduced, which results in better air quality and savings from reduced energy and air-conditioning costs.

***The Century Commission recommends that the Governor and Legislature explore the option of providing incentives to encourage cool roofs and other reflective surfaces that reduce energy consumption, which is consistent with the number one recommendation from the First Annual Report – to become independent of foreign oil while reducing carbon emissions.***

## **Recommendation 3: Follow Through on Florida's Water Congress and Convene a Second Water Congress**

In the **Third Annual Report** (2009), the Century Commission's number one recommendation was to follow through on Florida's Water Congress. In September of 2008, delegates from government, industry and non-governmental sectors from around the state convened in Orlando for a Water Congress to address issues related to water conservation, re-use, ground and surface water supply, desalination and water policy administration. A total of 18 consensus recommendations were identified by the delegates, with four recommended priority items identified. In the Third Annual Report, the Century Commission elevated a fifth priority item, dealing with reclaimed water use. Thus, the Third Annual Report recommended five priority recommendations and 13 other consensus recommendations.

During the 2009 legislative session, the Florida Department of Environmental Protection included the five priority recommendations and 13 other consensus recommendations in their legislative package. One recommendation was adopted in its entirety, while portions of two others were adopted by the Legislature. A consensus recommendation to amend Florida law to prohibit neighborhood organizations and local ordinances from restricting the use of Florida friendly landscaping was adopted in its entirety in SB 2080. SB 494 provided for the adoption of

a model fertilizer use ordinance and SB 2080 included language to provide incentives to private land owners who capture and store water by allowing for the issuance of a 50 year Consumptive Use Permit to certain private landowners meeting certain requirements, such as having an existing utility in place.

***The Century Commission recommends that the Legislature and Governor review the remaining recommended items and take action on the priority recommendations.***

***The Century Commission also recommends that a Second Water Congress be convened to follow up on the initial recommendations and continue the discussion on how Florida should deal with the future of water quality and supply.***

The water issues in Florida are long term. They will not be resolved by one meeting, or even by a series of summits. They will always require engagement in discussion by all impacted parties, seeking out and acting on solutions that balance the various demands and ensure the long term sustainability of supply, and thus our quality of life. The First Water Congress was a good start.

#### **Recommendation 4: Continue the Identification of Florida's Critical Lands and Waters and Pursue New Conservation Methods**

In the *First Annual Report* (2007), the Century Commission recommended that Florida's most precious natural places should be identified and a comprehensive *Cooperative Conservation Blueprint* for the State should be developed. This recommendation has continued in each subsequent report and resulted in CLIP (Critical Lands and Waters Identification). The CLIP initiative was lead by a team of experts assembled by the University of Florida's GeoPlan Center and Florida State University's Florida Natural Area Inventory. With a technical advisory group composed of experts from public and private sectors, they successfully unified all of the existing excellent natural resource GIS work in Florida into a single database and made the information available online. CLIP Phase II serves as a starting point for the *Cooperative Conservation Blueprint* by identifying statewide conservation priorities. The *Blueprint* will help government, landowners, nonprofit organizations, businesses and others make sound conservation and economic decisions to guide Florida's future development and achieve long-term sustainability.

***The Century Commission recommends that a process be developed to engage landowners, agricultural interests, governmental agencies and environmental organizations to determine how best to create and use a Blueprint to conserve Florida's clean water and air, and to benefit the health of people, wildlife, and our economy.***

At a minimum, the results of the *Blueprint* should be formally integrated into the process of preservation land acquisition by the State of Florida, including *Florida Forever*.

Implementing these and the recommendations presented in earlier reports will help ensure a sustainable Florida for this and future generations.

• • • • •

For copies of prior annual reports to the Governor and Legislature, studies and meeting materials please visit us at [www.CenturyCommission.org](http://www.CenturyCommission.org).